

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Haiko GLIENICKE et al.	Confirmation No. 6146
Application No.: 10/721,358	Art Unit: 2885
Filed: 26 Nov 2003	Examiner: J. Y. Choi
Title: CONTROL ELEMENT	
Attorney Docket No.: 1005/0136PUS1	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REVIEW BY SUPERVISORY PATENT EXAMINER
PURSUANT TO MPEP 707.02

Dear Sir:

Section 707.02 of the MPEP provides:

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner.

The above-captioned patent application has been pending for over five years, and eight Office Actions have issued. The most recent final Office Action includes a restriction requirement that does not even arguably comply with MPEP 803, 806 or 808, but based on this requirement, the examiner has refused to examine new claims which

further define over the art of record. (The Advisory Action argues that the restriction requirement is proper because of the new limitation "rotary" in claims 21-28. It is noted that a "rotary knob" is recited in original claim 2 and a "rotor," which is something that rotates, is recited in original claim 1. Therefore the word "rotary" in claims 21-28 does not support a restriction requirement.)

It is respectfully requested that the examiner's SPE carefully study this application as required by MPEP 707.02 in an effort to conclude prosecution by allowing claims or creating a record that is appropriate for review by the Board of Patent Appeals and Interferences. A Notice of Appeal and Request for Pre-Appeal Brief Review will be filed shortly and may provide a suitable avenue for reopening prosecution, if appropriate.

Respectfully submitted,



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